

REMARKS

Claims 1-3, 5-12, 26 and 27 are pending in the subject application. No claims have been indicated to be allowable.

35 USC 112

Claims 26 and 27 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is traversed.

The Examiner has indicated that the phrase "at least one metal selected from the group alumina, silica-alumina, clay and mixtures thereof" in claims 26 and 27 do not fit into the category of "metal" and is therefore unclear. Claims 26 and 27 have now been amended to clearly identify the materials listed in the markush group as a "metal oxide". Accordingly, this rejection is moot and should now be withdrawn.

Double Patenting

Claims 1-3, 6 and 8-12 stand provisionally rejected under the judicially created doctrine of obviousness-type, double patenting as being obvious over claims 1-6, 8 and 11-14 of co-pending Application No. 09/468,452. This rejection is traversed.

Claims 1-6, 8 and 11-14 of co-pending Application No. 09/468,452 have now been cancelled. Accordingly, this rejection is moot and should now be withdrawn.

Claims 1-3, 8-10 and 12 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4, 5 and 10-14 of co-pending Application No. 09/144,607.

Claims 1, 2, 4, 5 and 10-14 of co-pending Application No. 09/144,607 (claims 4 and 13 of which have been canceled) recites a method of reducing the sulfur content of a liquid catalytically cracked petroleum fraction, said method comprising catalytically cracking a sulfur-containing petroleum feed in the presence of an equilibrium cracking catalyst and a product sulfur reduction catalyst. In accordance with the claims of co-pending Application No. 09/144,607, the product sulfur reduction catalyst comprises a porous molecular sieve having a vanadium metal component in an oxidation state greater than zero. The claims of co-pending Application 09/144,607 are silent with respect to the presence of a rare-earth metal within the pores of the molecular sieve.

To cure the deficiencies of the co-pending Application, the Examiner has relied upon the Beck reference to show that rare-earth components are known promoters in a catalytic cracking process. At best, the Beck reference teaches partially exchanging a zeolite-containing cracking catalyst with a rare-earth to reduce the deleterious effect of vanadium poisoning on a zeolite FCC catalyst. There is no teaching or suggestion in Beck or the claims of co-pending Application No. 09/144,607 that the use of a rare-earth component within the pores of a molecular sieve in combination with vanadium **enhances the beneficial effects of vanadium** to reduce the sulfur content of liquid catalytically cracked petroleum products.

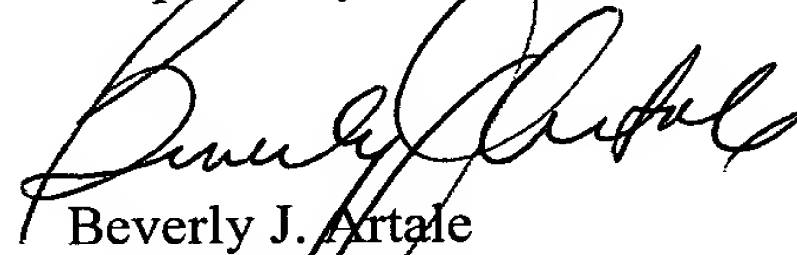
Consequently, for reasons as stated hereinabove, it is believed that Applicants' invention is unobvious over the claims of co-pending Application No. 09/144,607 alone or in combination with the Beck reference. Accordingly, this rejection is improper and should now be withdrawn.

Claims 1-3, 8-10 and 12 stand provisionally rejected under 35 USC 103(a) as being obvious over co-pending Application No. 09/144,607, which has a common inventor with the subject application. This rejection is respectfully traversed.

For reasons as stated hereinabove, Applicants' invention is not obvious over the invention as disclosed in co-pending Application No. 09/144,607. Consequently, publication or patenting of the co-pending application would not effect the patentability of Applicants' invention as presently claimed in the subject application. Accordingly, this rejection is improper and should now be withdrawn.

Consequently, for reasons as indicated hereinabove, Applicants' invention as claimed is patentable over the prior art of record. Allowance of claims 1-3, 8-10 and 12 of the subject application is respectfully requested.

Respectfully submitted,



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